

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JESSICA ANN YOUSSE
1578 Green Canyon Lane
Fallbrook, CA 92028

Registered Nurse License No. 715646

Respondent

Case No. 2012-348

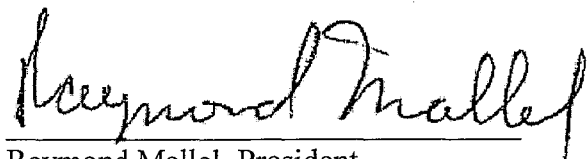
OAH No. 2011120935

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 14, 2013.**

IT IS SO ORDERED **December 14, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2996
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **JESSICA ANN YOUSSEI**
13 **1578 Green Canyon Lane**
14 **Fallbrook, CA 92028**

15 **Registered Nurse License No. RN 715646**

16 Respondent.

Case No. 2012-348

OAH No. 2011120935

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

[Bus. & Prof. Code § 495]

17
18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. LOUISE R. BAILEY, M.ED., RN (Complainant) is the Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Desiree I. Kellogg, Deputy Attorney General.

26 2. Respondent Jessica Ann Youssi (Respondent) is representing herself in this
27 proceeding and has chosen not to exercise her right to be represented by counsel.
28

3. On or about November 15, 2007, the Board of Registered Nursing issued Registered Nurse License No. RN 715646 to Jessica Ann Youssi (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-348 and will expire on July 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-348 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 6, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-348 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2012-348. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-348.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board)'s terms as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 715646 issued to Respondent Jessica Ann Youssi (Respondent) shall, by way of letter from the Board's Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached as Exhibit B to this stipulation.

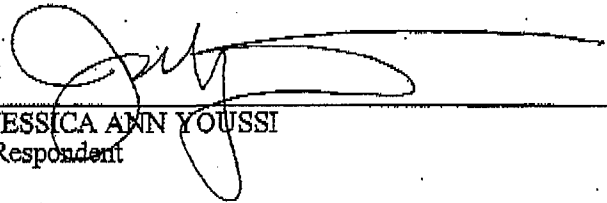
IT IS FURTHER ORDERED that Respondent shall pay \$2,110.00 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until Respondent pays costs in full.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reapproval. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED:

9/18/12


JESSICA ANN YOUSSE
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 9/18/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

SD2011801113
70619368.doc

Exhibit A

Accusation No. 2012-348

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

12 **JESSICA ANN YOUSSE**
13 **1578 Green Canyon Lane**
14 **Fallbrook, CA 92028**

ACCUSATION 2012-348

15 **Registered Nurse License No. RN 715646**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about November 15, 2007, the Board of Registered Nursing issued Registered
24 Nurse License Number RN 715646 to Jessica Ann Youssi (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on July 31, 2013, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

"Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

"(a) Considering the denial of a license by the board under Section 480; or

"(b) Considering suspension or revocation of a license under Section 490.

"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the

1 ground that the applicant or the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, and duties of the licensee in question, the record of conviction of the
3 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
4 and the board may inquire into the circumstances surrounding the commission of the crime in
5 order to fix the degree of discipline or to determine if the conviction is substantially related to the
6 qualifications, functions, and duties of the licensee in question.

7 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
8 'registration.'"

9 9. Section 2761 of the Code states:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "....

14 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
15 functions, and duties of a registered nurse, in which event the record of the conviction shall be
16 conclusive evidence thereof.

17 "...."

18 10. Section 2762 of the Code states:

19 "In addition to other acts constituting unprofessional conduct within the meaning of this
20 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
21 following:

22 "....

23 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
24 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
25 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
26 himself or herself, any other person, or the public or to the extent that such use impairs his or her
27 ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.

“ ”

11. Section 2765 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

REGULATIONS

12. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

///

1 13. California Code of Regulations, title 16, section 1445 provides:

2 “....

3 “(b) When considering the suspension or revocation of a license on the grounds that a
4 registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such
5 person and his/her eligibility for a license will consider the following criteria:

6 “(1) Nature and severity of the act(s) or offense(s).

7 “(2) Total criminal record.

8 “(3) The time that has elapsed since commission of the act(s) or offense(s).

9 “(4) Whether the licensee has complied with any terms of parole, probation, restitution or
10 any other sanctions lawfully imposed against the licensee.

11 “(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the
12 Penal Code.

13 “(6) Evidence, if any, of rehabilitation submitted by the licensee.”

14 **COST RECOVERY**

15 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(February 1, 2011, Conviction for DUI on December 7, 2010)**

21 15. Respondent is subject to disciplinary action under Code sections 490 and 2761,
22 subdivision (f), on the grounds that she was convicted of a crime that is substantially related to
23 the qualifications, functions and duties as a registered nurse. The circumstances are as follows:

24 a. On February 1, 2011, in a criminal case entitled, *The People of the State of California*
25 *v. Jessica Ann Youssi*, San Diego Superior Court, Central Division case number M122588,
26 Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152,
27 subdivision (b), driving while having a blood alcohol content (BAC) of 0.08 percent and more, a
28 misdemeanor. As a result of a plea bargain, misdemeanor charges for violation of Vehicle Code

1 section 23152, subdivision (a), driving under the influence, and Vehicle Code section 20002,
2 subdivision (a), hit-run driving, were dismissed.

3 b. The circumstances that led to the conviction are that on December 7, 2010, at
4 2345 hours, a San Diego Police officer arrived at the scene of a collision that occurred in the
5 parking lot of 700 Ventura Place, in San Diego, near the roller coaster by Mission Beach. Two
6 security guards witnessed Respondent back out of her parking space and sideswipe the left rear
7 corner of a bumper of another vehicle and continue driving out of the parking lot without
8 notifying the owner of the vehicle she struck. The officer tracked down Respondent and when he
9 spoke to her noticed that her eyes were red, bloodshot and droopy, her face was lax, she was
10 slurring her words, and emitted the odor of alcohol from her breath and person. Respondent
11 failed the field sobriety tests administered by the officer and was arrested for driving under the
12 influence. Upon the officer's inspection of the vehicle Respondent struck, he also noticed the
13 vehicle next to it was also damaged. Respondent had backed into two parked cars and left the
14 scene of the accident without notifying anyone. Respondent told the officer that as she was
15 backing out of the parking space, she never knew she hit anything, and that if she had known that
16 she hit something, she would have stopped and waited for the police or the owner to arrive.
17 Respondent's breath test yielded the results of .24 and .25 percent BAC.

18 c. As a result of the conviction, on February 1, 2011, Respondent was sentenced to
19 5 years of summary probation, and ordered to complete 10 days of a public service program, with
20 credit for 1 day time served, follow standard alcohol conditions per Vehicle Code section 23600,
21 complete a 9 month, first conviction program, complete a Mothers Against Drunk Drivers
22 (MADD) impact panel program, violate no laws, and pay various fines and fees.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Use of Alcohol to a Dangerous Extent)

3 16. Respondent's license is subject to discipline under Code section 2762,
4 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself and others by
5 drinking and then driving as is set forth in paragraph 15, above, which is incorporated by this
6 reference.

7 THIRD CAUSE FOR DISCIPLINE

8 (Criminal Conviction Involving the Consumption of Alcohol)

9 17. Respondent's license is subject to discipline under Code section 2762,
10 subdivision (c), in that Respondent was convicted of a criminal offense involving the
11 consumption of alcohol as is set forth in paragraph 15, above, which is incorporated by this
12 reference.

13 PRAYER

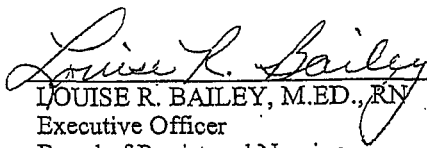
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number RN 715646, issued to
17 Jessica Ann Youssi;

18 2. Ordering Jessica Ann Youssi to pay the Board of Registered Nursing the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions
20 Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: December 06, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

24
25
26
27 SD2011801113
80571246.doc
28

Exhibit B

Letter of Public Reproval in Case No. 2012-348



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Registered Nursing
P O Box 944210, Sacramento, CA 94244-2100
P (916) 322-3350 | www.rn.ca.gov
Louise R. Bailey, M.ED., RN, Executive Officer



December 14, 2012

Jessica Ann Youssi
1578 Green Canyon Lane
Fallbrook, CA 92028

RE: LETTER OF PUBLIC REPROVAL
In the Matter of the Accusation Against:
Jessica Ann Youssi, Registered Nurse License No. 715646

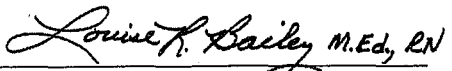
Dear Ms. Youssi:

On December 6, 2011, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code sections 490, 2761(f), 2762(b) and 2762(c). On February 1, 2011, in a criminal case entitled The People of the State of California v. Jessica Ann Youssi, San Diego Superior Court case number M122588, you were convicted of violating Vehicle Code section 23152(b), driving while having a blood alcohol content of 0.08 percent or more. You also used alcohol to an extent dangerous to yourself and others and were convicted of a criminal offense involving the consumption of alcohol.

Taking into consideration the conduct was an isolated experience and you have been licensed since 2007 without prior discipline and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a registered nurse, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of consumer Affairs issues this letter of public reproof.

Sincerely,


LOUISE R. BAILEY, M.ED., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California